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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/893,792   | 06/28/2001  | Mikko Kanerva        | 930.333USW1         | 7109             |
| 32294 7590 05/01/2008<br>SQUIRE, SANDERS & DEMPSEY L.L.P.<br>8000 TOWERS CRESCENT DRIVE<br>14TH FLOOR<br>VIENNA, VA 22182-6212 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| DANIEL JR, WILLIE J  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/893,792

## Applicant(s)

KANERVA, MIKKO

## Examiner

WILLIE J. DANIEL JR

## Art Unit

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 24,45 and 47-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24,45 and 47-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 07 March 2008. **Claims 24, 45, and 47-70** are now pending in the present application and **claims 1-23, 25-44, and 46** are canceled. This office action is made **Non-Final**.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 March 2008 has been entered.

### ***Claim Objections***

3. The objection applied to the claim is withdrawn, as the proposed claim correction is approved.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 24, 45, 47-55, and 62** are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (**US 5,953,673**).

Regarding **claims 24, 45, 47-55, and 62**, Neubauer discloses a method and system (see Fig. 1) comprising:

a telecommunication network (see Fig. 1);

a calling subscriber (SA, SA') which reads on the claimed "first station" (see col. 5, lines 39-45; Fig. 1);

a plurality of called mobile target subscriber (SB) which reads on the claimed "second stations" (see col. 5, lines 58-64; Fig. 1);

wherein the first station (SA, SA') is configured to request a connection with at least one of said plurality of second stations (SB), said connection request comprising a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23),

wherein the telecommunication network comprises at least one store configured to store location information for at least some of said second stations and a selector configured to select at least one of the second stations for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 48**, Neubauer discloses a method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing location information for the stations in a register (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 49**, Neubauer discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations satisfying the location criteria (see col. 5, lines 53-64; col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 50**, Neubauer discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 51**, Neubauer discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 52**, Neubauer discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 53**, Neubauer discloses the method as claimed in claim 48, further comprising defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in the order of closest according to requirements/aspects such as locational, temporal, hierarchical, and/or cyclical.

Regarding **claim 54**, Neubauer discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in which randomly would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 55**, Neubauer discloses an apparatus comprising:

- a transmitter configured to transmit a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);
- a register configured to store location information for the stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and
- a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 62**, Neubauer discloses an apparatus comprising:

transmitting means for transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing means for storing location information for the stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

**Claims 24, 45, 47-52, 54-67, and 69-70** are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0810803 A2)**.

Regarding **claim 24**, Tognazzini discloses a system (e.g., cellular system 1000) (see col. 11, lines 16-24; Figs. 10 and 11) comprising:

a telecommunication network (e.g., cellular system 1000) (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

wherein the first station (1010) is configured to query which reads on the claimed “request” a connection with at least one of said plurality of second stations (1020, 1030, 1040) (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12),

said connection request comprising a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 43-52; Fig. 5),

wherein the telecommunication network (1000) comprises at least one store (e.g., database) configured to store location information for at least some of said second stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and

a selector configured to select at least one of the second stations (1020) for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12), and

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 11, lines 16-24; col. 13, lines 12-42; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claim 45**, Tognazzini discloses a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient), comprising:



defining, at a first station (1010) of a telecommunication network (e.g., cellular system 1000), a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting (e.g., query) a connection with at least one second station satisfying said location criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting at least one of said second stations for connection, when said connection request is received, based on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 47**, Tognazzini discloses a system (e.g., cellular system 1000) comprising:

a telecommunication network (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a originating station (1010; calling station) which reads on the claimed "first station" (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed "second stations" (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

defining means for defining at the first station (1010) a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting means for requesting (e.g., query) a connection with at least one second station satisfying said criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting means for selecting at least one of the second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing means for establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 48**, Tognazzini discloses a method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing location information for the stations in a register (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-

42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 49**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 50**, Tognazzini discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 51**, Tognazzini discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 52**, Tognazzini discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 54**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 13, lines 12-38).

Regarding **claim 55**, Tognazzini discloses an apparatus comprising:

a transmitter configured to transmit a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

a register configured to store location information for the stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 56**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to attempt to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 57**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to initiate a connection with a station satisfying the location criteria and falling in a predetermined group of stations (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 58**, Tognazzini discloses the apparatus as claimed in claim 57, wherein a predefined location criteria is associated with the predetermined group (see col. 13, lines 12-22; Fig. 15).

Regarding **claim 59**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group has a predetermined identifier associated therewith (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 60**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group is defined by the user of the apparatus (see col. 7, lines 29-57).

Regarding **claim 61**, Tognazzini discloses the apparatus as claimed in claim 55, further comprising a determination unit (e.g., GPS) configured to determine which stations satisfy the location criteria (see col. 13, lines 4-7).

Regarding **claim 62**, Tognazzini discloses an apparatus comprising:  
transmitting means for transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing means for storing location information for the stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 63**, Tognazzini discloses the method as claimed in claim 45, further comprising preventing a connection with the first station if the first station has made a

connection request based on the location of the at least one second station (see col. 13, line 50 - col. 14, line 8).

Regarding **claim 64**, Tognazzini discloses the method as claimed in claim 45, further comprising permitting a connection only with predefined first stations if the first station has made a connection request based on the location of said at least one second station (see col. 13, lines 4-49).

Regarding **claim 65**, Tognazzini discloses the method as claimed in claim 45, further comprising transmitting a message, indicating that a first station wishes to make contact, to a second station satisfying the location criteria (see col. 10, lines 23-24; col. 13, lines 51-57).

Regarding **claim 66**, Tognazzini discloses the method as claimed in claim 65, wherein the second station receiving said message is configured to indicate if the call is to be accepted (see col. 13, line 57 - col. 14, line 8).

Regarding **claim 67**, Tognazzini discloses the method as claimed in claim 45, wherein said connection request comprises information identifying at least one second station (see col. 3, lines 50-52; col. 10, lines 47-51) and

wherein the method further comprises making a call between said first station and the identified at least one second station only if the location criteria is satisfied (see col. 3, line 53 - col. 4, line 8).

Regarding **claim 69**, Tognazzini discloses the method as claimed in claim 67, wherein the first station or at least one of said second stations is a cellular station (750) which reads on the claimed "mobile terminal" (see col. 8, lines 2-3; col. 9, lines 50-51).

Regarding **claim 70**, Tognazzini discloses the method as claimed in claim 45, wherein said first station or at least one of said second stations is a fixed terminal (see col. 9, lines 50-51).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **De Brito (US 6,529,735 B1)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by De Brito.

In the same field of endeavor, De Brito discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 6, lines 50-65; Figs. 2A-B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and De Brito to have the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted, in order to provide establishment of communication between an originating party and a most suitable party in said group, as taught by De Brito (see col. 1, lines 57-59).

**Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Nojima (US 5,933,080)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by Nojima.



In the same field of endeavor, Nojima discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted, in order to provide an emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

**Claim 68** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Taylor (US 5,809,418)**.

Regarding **claim 68**, Tognazzini as applied to 67 discloses having a communication system (see col. 11, lines 16-24; col. 14, line 28 - col. 15, line 2), where communication is provided between a calling station and a called station in which a call is initiated but the called station does not respond. Tognazzini does not specifically disclose having the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria. However, the examiner maintains that the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria (see col. 2, lines 41-51; Figs. 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria, in order to provide a high likelihood of establishing a call, as taught by (see col. 2, lines 42-43).

***Response to Arguments***

6. Applicant's arguments with respect to claims 24, 45, and 47-70 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language, new limitations, and/or new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

7. The Examiner requests applicant to provide support for any further amended claim language.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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24 April 2008

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